

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	No. 1:22-MJ-742-DH
	§	
JOE ANTHONY YBARRA	§	
<i>Defendant</i>	§	

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, in particular, that the offense charged involves possession of a firearm;
- the weight of the evidence against the person, including, but not limited to, the fact that Defendant does not appear to contest his possession of the ammunition that gave rise to the present charge;
- the history and characteristics of the person, including his history of unresolved substance abuse (including a recent history methamphetamine, cocaine, marijuana, and alcohol abuse); his affiliation with the drug trade (including, at the very least, knowingly serving as a courier and collector in drug transactions, at least one of which involved a firearm used as collateral on a drug debt); his lack of recent legitimate employment; his extensive criminal history which includes arrests for family violence, and at least one

arrest that occurred while he was on probation for a prior offense, and multiple evading-arrest convictions; and his history of failing to comply with bond conditions; and

- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, particularly his history of family violence, and his serious, ongoing drug-abuse issues coupled with his possession of a loaded, unregistered firearm at the time of his arrest.

This record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED September 7, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATGE JUDGE